



Bureau of Watershed Management

# ***Accessory Structure Issue Summary***

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## ***MANAGEMENT RATIONALE***

The placement of buildings and structures in the 75 foot shoreline buffer limits the ability of the shoreline buffer to perform its vital functions in protecting lakes and streams. See Shoreline Vegetation Protection - Chapter 10 for information on these functions.

The regulation of accessory structures in the shoreland setback area can be very tricky. For instance, is a flagpole, a mailbox, or an open fence a structure? Many counties, as a result, have adopted detailed ordinances to deal with the regulation of accessory structures.

## ***MINIMUM STATEWIDE STANDARDS***

Chapter NR 115, Wis. Admin. Code, requires a 75 foot setback from the ordinary high-water mark for all buildings and structures, except piers, boat hoists and boathouses. The term “structures” is not defined in NR 115, so it is important for counties to clearly define what is and is not a structure to achieve consistency in terms of what is allowed in the shoreline buffer area.

Accessory structures are commonly defined by counties as detached subordinate structures clearly incidental to and found in connection with a principal structure on the same lot. Some counties go on to give examples of items which meet the definition of an accessory structure including fences, decks, observation platforms, satellite dishes, retaining walls and more.

## ***RELATED RESEARCH***

The related research under Shoreline Vegetation Protection in Chapter 10 applies since accessory structures limit the ability of the shoreline buffer to perform its vital functions in protecting lakes and streams.

## ***MANAGEMENT INITIATIVES***

Chapter NR 115, Wis. Admin. Code, requires a 75 foot setback from the ordinary high-water mark for all buildings and structures, except piers, boat hoists and boathouses. Counties commonly prohibit the placement of accessory structures in the setback with specifically noted exceptions. Counties may only allow certain items within the shoreland buffer if the goals of Wisconsin’s Shoreland Management Program (protection of water quality, fish and wildlife habitat and natural scenic beauty) are not compromised.

A fairly common exception is open fences. Many counties allow open fences within the 75 foot shoreland buffer if certain conditions are met. When a county defines an open fence, a homeowner can easily decide if the fence they are proposing fits the requirements of an open fence. An open fence may be defined as chain link, wood rail or wire which does not obstruct views of the water, although many other definitions exist in ordinances. Open fence regulations also limit placement, height and maintenance.

Many ordinances limit the number of accessory structures, such as sheds, on a lot, as well as the uses. It is common to prohibit human habitation in accessory structures.

#### **CONSIDERATIONS**

- Clearly define what is and is not a structure (flagpoles, fences, etc.), keeping in mind that structures must meet the designated structure setback.
- Clearly define the requirements for items which are allowed in the buffer zone. (size, type, location, etc.).
- Consider whether to limit the number of accessory structures allowed on a lot.
- Decide whether to limit the uses of accessory structures. Will human habitation be allowed?

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Abbreviations used in the following table are:

Adj. = Adjacent  
Ag = Agriculture  
AS = Accessory structure  
AU = Accessory use  
Bldg. = Building  
Bldgs. = Buildings  
Conserv'ist = Conservationist  
Constr. = Construction  
Contrib. = Contributes  
Exc. = Except  
Fac. = Facility  
Incl. = Including  
LOP = Location and Occupancy Permit  
Manufact. = Manufactured  
Max. = Maximum  
Min. = Minimum  
Nav. = Navigable  
OHWM = Ordinary high-water mark  
Perm. = Permanent  
PS = Principal structure  
PU = Principal use  
Req. = Require  
Sat. = Satellite  
s.f. = Square feet  
Struct. = Structure  
Subord. = Subordinate

ZA = Zoning administrator

# Accessory Structure Standards

<i>County</i>	<i>Accessory Structure Definition</i>	<i>Information and Examples</i>	<i>Fence Standards</i>
Adams	Anything constructed or erected, the use of which req. a more or less permanent location in or on the ground.	Must meet setbacks, except for stairs, walks, and patios. (Decks are not patios).	Assumed structure & must meet setback requirements.
Ashland	Detached subord. struct. incidental to & found in connection w/ PS & located on same lot as, incl. sat. disks, gazebos, etc.	All perm. struct., exc. legal piers, setback min. 75' from OHWM. Boathouses may receive averaged setback based on adj. AS.	Assumed structure & must meet setback requirements.
Barron	A subordinate bldg. or portion of, or struct., the use of which is incidental to main bldgs. incl. fences, bldgs., walls, etc.	Driveways, walks, platforms, terraces, patios, & retaining walls may be w/i setback if <12" above ground level.	Assumed structure & must meet setback requirements.
Bayfield	Detached subordinate structure clearly incidental & found in conjunction with principal structure & located on same lot.	Minor, innocuous struct. w/ no significant impact relating to shoreland zoning are exempt from setback w/ conditions.	Requirements for fencing req. by ordinance or Zoning Committee provided, otherwise not addressed.
Brown	Detached subordinate struct. clearly incidental to & found in connection with PS to which it is related & on the same lot as.	At-grade patios (max. 400 s.f.) may be w/i 35' of OHWM. Fences, flag poles, etc. may be up to shoreland setback (75' or averaged).	Req. land use permit & must be >75' from OHWM or w/i setback average for property.
Buffalo	Detached subordinate structure clearly incidental to & found in connection with PS to which it is related & is on same lot.	All bldgs. & struct., except piers, boat hoists, boathouses & open fences, shall be setback at least 75' from OHWM.	Open fences (not defined) may be w/i 75' setback.
Burnett	Decks, observation platforms, satellite dishes 1+ meter diam., retaining walls & buildings	Expressly prohibited in shoreline setback, except retaining walls w/ consent of ZA & County Conserv'ist	Open fences max. 6' tall allowed to w/i 40' of OHWM (Open = chainlink, wood rail or wire) Ag exempt.
Calumet	Detached bldg. or portion of bldg. subordinate to main bldg. & used for purpose incidental to main bldg.	Max. 15' tall. 1 struct. >600 s.f. (max. 1000 s.f.) per lot. 1 AS (max. 600 s.f.) before PS constr. No living quarters.	Assumed structure & must meet setback requirements.
Chippewa	Detached subordinate structure incidental & found in connection with principal structure & located on same lot.	All bldgs. & struct., incl. satellite dishes & antennas, req. 75' setback, exc. boat hoists, boathouses, piers & open fences.	Open fences (not defined) may be w/i 75' setback.
Clark	Detached subordinate struct. incidental to & found in connection w/ principal structure to which it is related & on same lot.	All bldgs. & struct., except piers, boat hoists, & boathouses, set back at least 75' from OHWM.	Not addressed in county's shoreland zoning ordinance.
Columbia	Detached subordinate structure incidental & found in connection w/ PS & on same lot as PS.	Piers, boat hoists, boathouses, & open fences exempt from 75' setback.	Open fences (not defined) may be w/i 75' setback.
Crawford	Detached subordinate structure incidental & found in connection w/ PS & on same lot as PS.	Piers, boat hoists, boathouses, & open fences exempt from 75' setback.	Open fences (not defined) may be w/i 75' setback.
Dane	Subordinate or supplemental bldg., the use of which is incidental to main bldg. or struct. & on the same lot.	All PS & struct., exc. piers, boat hoists & boat houses, setback a min. 75' horizontally from OHWM.	Assumed structure & must meet setback requirements.
Dodge	Detached subordinate struct. clearly incidental to, and found in connection with, PS to which it is related & on same lot as.	Not addressed in county's shoreland zoning ordinance.	Assumed structure & must meet setback requirements.

<i><b>County</b></i>	<i><b>Accessory Structure Definition</b></i>	<i><b>Information and Examples</b></i>	<i><b>Fence Standards</b></i>
Door	Bldg. or struct. which is customary, incidental, and subordinate to permitted PU of a lot & on same lot as PU & not a PS.	Stairs, lifts, boathouses, open fences, at-grade struct. (not bldgs.), 1 mail box, piers, etc. exempt from setback req.	Open fences permitted w/i setback if entire length max. 50% opaque & indiv. elements max. 50% opaque.
Douglas	Structure=anything constructed/erected. Accessory Use=incidental & subordinate to principal use or bldg. on same lot.	Any permanent, roofed structure serving an AU, if attached to PS, is part of PS.	Assumed structure & must meet setback requirements, exc. livestock pasture fences.
Dunn	Subordinate struct. detached from, but located on same lot as principal struct., use of which is incidental to princ. struct.	All structures, including decks, must meet 75' setback. Reduced setbacks do not apply to accessory structures.	Open fences (chain link or split rail) exempt from 75' setback, as well chain link fences for private kennel runs.
Eau Claire	Subordinate structure incidental to & on same lot as PS, exc. mobile/manufact. homes are not allowed as storage structures.	Removable piers and docks, open stairways, boat tracks, boat shelters, bridges and walkways are exempt from setback req.	Open fences, such as chain link, are allowed within 75' of normal high water mark.
Florence	Detached subordinate structure incidental & found in connection with principle structure, which is located on the same lot.	All structures, excluding piers, boat hoists, boathouses, & open fences, must meet 75' setback.	Open fences (not defined) may require a lesser setback and are exempt from 75' setback.
Fond du Lac	Detached subordinate struct. clearly incidental to & found in connection w/ PS to which it is related & located on same lot.	May not be used for habitation. Piers, boat hoist, boathouses & open fences exempt from setback req.	Open fences w/i setback if for each 1' wide segment over entire length & height, 50% of surface area open w/ views.
Forest	Detached subordinate struct. Incidental to & found in connection w/ PS to which it is related & on same lot as.	Max. 18' tall & no human habitation. Piers, boat hoists, stairs, walkways, lifts & open fences may require lesser setback.	Open fences (50% or less opaque) may require a lesser setback and are exempt from 75' setback.
Grant	Detached subordinate struct. which is incidental & found in connection with PS to which it is related & on the same lot as.	All bldgs. & struct., exc. piers, boat hoists, boathouses & open fences, setback a min. of 75' from OHWM of nav. waters.	Open fences (not defined) may be w/i 75' setback.
Green	A subordinate building or portion of main building, the use of which is incidental to permitted use of main building.	Setback min. 75' from OHWM of an adjacent water body is req. for all bldgs. & struct., exc. piers, boat hoist & boathouses.	Addressed in general zoning.
Green Lake	Detached subordinate structure incidental to and found in connection with PS to which it is related & on same lot as PS.	All structures, exc. piers, boat hoists & open fences must meet 75' setback.	Open fences (not defined) may be w/i 75' setback.
Iowa	Detached subordinate struct. incidental to & found in connection with PS to which it is related & on same lot as.	All bldgs. & struct., exc. piers, boat hoists, boathouses & open fences, setback a min. of 75' from OHWM of nav. waters.	Open fences (not defined) may be w/i 75' setback.
Iron	Detached subordinate structure clearly incidental, & found in connection with, a principal structure, & located on same lot.	Must meet setback requirements. Any permanent AS attached to principal struct. shall be considered part of principal struct.	Max. 5' tall. Must meet setback. Req. permit. Must be decorative of wood or wire. No solid board fences. Ag exemption.
Jackson	Detached subordinate structure clearly incidental & found in connection with principal structure which is on the same lot.	No more than 2 accessory bldgs., incl. a boathouse, on a lot or lots under single ownership may be present.	Assumed structure & must meet setback requirements.
Jefferson	Detached structure subordinate to PU & located on same lot or parcel, & serving purpose incidental to PU.	Docks, piers & boathouses exempt from 75' setback.	Assumed structure & must meet setback requirements.

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Juneau	Detached subordinate structure clearly incidental to & found in connection with principal structure.	All bldgs. & struct., except piers, boat hoists & boathouses, shall be setback at least 75' from OHWM of navigable waters.	Assumed structure & must meet setback requirements.
Kenosha	Bldg. subordinate to & serves PS, contrib. to comfort, convenience & necessity of PS, located on same lot & detached from PS.	All struct., exc. navigational aids, piers & boat launching fac., shall not be closer than shore yard distance.	Decorative fences under 2' permitted. Residential fences not allowed w/i shoreyard.
Kewaunee	Detached subordinate struct. clearly incidental & found in connection with PS to which it is related & on the same lot as.	Deck & patio conditionally setback exempt. 2 AS per lot. No living quarters. Floor area max. 75% of PS & max. 14' tall.	Req. land use permit. Residential fences permitted up to setback line. Open, ornamental fences may be permitted w/i setback.
La Crosse	Detached subordinate structure incidental to & found in connection with PS to which it related & on same lot as PS.	All bldgs. & struct., exc. piers, boat hoists, boathouses & open fences, setback at least 75' from OHWM of navigable waters.	Open fences (not defined) may be w/i 75' setback.
Lafayette	Detached subordinate struct. incidental to & found in connection w/ PS to which it is related & located on same lot as PS.	All bldgs. & struct., exc. piers, boat hoists, boat houses, & open fences, shall be setback a min. of 75' from OHWM.	Open fences (not defined) may be w/i 75' setback.
Langlade	Any detached facility, structure, or building which is accessory or incidental to principle use of property, struct. or bldg.	Includes, among other things, satellite dishes over 18" in diameter.	Must meet shoreline setback requirements.
Lincoln	Detached subordinate struct. incidental to & found in connection with PS to which it is related & located on same lot as.	All bldgs. & struct., exp. piers, wharves, boat hoists & boat accessory sheds, setback 75' from OHWM.	Assumed structure & must meet setback requirements.
Manitowoc	Detached subordinate struct. clearly incidental to & found in connection with PS to which it is related & on same lot.	Piers, wharves, bridges, dams, boathouses, patios (max. 6" tall) & access essential walks & stairs exempt from setback req.	Assumed structure & must meet setback requirements.
Marathon	Structure which is incidental or subordinate to PS on same parcel & desirable, but not necessary for use of parcel.	All bldgs. & struct. must meet setback, exc. struct. authorized by special zoning permit, elevated stairs, piers & wharves.	Open fences (not defined) permitted within the 75' setback.
Marinette	Detached subordinate structure clearly incidental & found in connection with principal structure which is on the same lot.	All bldgs. & structures, except piers, boat hoists, boathouses & open fences, setback 75' from OHWM.	Permit req. for privacy fences & meet setback. Max. 6' tall. Owner must maintain both sides of fence.
Marquette	Detached subordinate structure incidental to & found in connection with PS to which is related & on same lot as.	All bldgs. & struct., exc. piers, boat hoists & boathouses, setback 75' from OHWM & wetlands, & elevated 2' above OHWM.	Assumed structure & must meet setback requirements.
Menominee	Not addressed in county's shoreland zoning ordinance.	Piers, boat hoists, pedestrian walkways, driveways (w/ conditions) & erosion control structures exempt from setback.	Assumed structure & must meet setback requirements.
Monroe	Accessory use is incidental to PU of bldg.	All bldgs. & struct., exc. piers, wharves, boat hoists & boathouses, setback 75' from OHWM.	Assumed structure & must meet setback requirements.
Oconto	Structures include satellite dishes and must meet required setback.	Min. 75' setback.	Assumed structure & must meet setback requirements.

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Oneida	A detached subordinate bldg. or portion of a principal bldg., the use of which is incidental to that of principal bldg.	No structures w/ 75' of OHWM, except privies, dry wells, drainfields, boathouses & shelters, walks, stairs & lifts.	LOP not required for open fences if no nuisances are created.
Outagamie	Detached subordinated structure. Clearly incidental to & found in connection with principal structure.	All bldgs. & struct., except piers, boat hoists & boathouses, shall req. a setback of at least 75' from OHWM.	Assumed structure & must meet setback requirements.
Ozaukee	Detached subordinate structure incidental to & found in connection w/ PS to which it is related & located on same lot as PS.	All bldgs. & struct., except piers, boat hoists, boathouses, & open fences, shall be setback at least 75' from OHWM.	Open fences (not defined) are exempt from 75' setback.
Pepin	Detached subordinate structure which is incidental to & found in connection with the principal structure & on the same lot.	All bldgs. & struct., except piers, boat hoists, boathouses, & open fences, shall be setback at least 75' from OHWM.	Open fences (not defined) are exempt from 75' setback.
Pierce	Bldg. or struct. incidental & subordinate to permitted PU of lot & on same lot as PU & does not meet PS definition.	Min. 75' setback, exc. for piers, boat hoists, boathouses, yard light poles, tree houses, ice fishing shanties, etc.	Open fences exempt from shoreland setback. Open fence=a fence whose entire length & individual elements are not >50% opaque.
Polk	Detached subordinate structure incidental to & found in connection with main struct. & located on same lot as.	Max. 2 AS per lot & no human habitation. 75' setback exc. piers, boathouses & boat hoists.	Assumed structure & must meet setback requirements.
Portage	Detached subordinate structure. incidental to & found in connection with, PS to which it is related & on same lot as PS.	All bldgs. & struct., except piers, boat hoists, & boathouses, shall be setback at least 100' from OHWM of navigable waters.	Assumed structure & must meet setback requirements.
Price	Detached subordinate structure clearly incidental & found in connection with principal structure, & located on same lot.	All bldgs. & struct., except piers, boat hoists, waterfront storage structures & open fences, shall be setback 75' from OHWM.	Open fences (not defined) are exempt from 75' setback.
Racine	Detached struct. subordinate to PU of struct., land or water & located on same lot, serving purpose incidental to PS.	AS permitted, but not until PS is present or under construction.	Fences are structures & must meet req. shoreland setback for zoning district.
Richland	Detached subordinate structure clearly incidental & found in connection with principal structure, & located on same lot.	All bldgs. & struct., except piers, boat hoists, & boathouses, shall be setback 75' from OHWM.	Assumed structure & must meet setback requirements.
Rock	Detached subordinate structure. incidental to & found in connection with PS to which it is related & which is one the same lot.	All bldgs. & struct., incl. decks & patios, setback 75' from OHWM, exc. piers, boat hoists, docks, wharves & boathouses.	Assumed structure & must meet setback requirements.
Rusk	Detached subordinate structure clearly incidental & found with PS & located on same lot incl. satellite dishes, decks, etc.	All bldgs. & struct., permanent or temporary must meet 75' setback. Any second or subsequent bldgs. >200 s.f. setback=150'.	Open fences (not defined) exempt from shoreline setback.
St. Croix	A building on the same premises & subordinate to the principal use customarily incidental thereto.	All bldgs. & struct. except piers & wharves, setback at least 75' from normal HWM & 2' above normal high water elevation.	Assumed structure & must meet setback requirements.
Sauk	Detached subordinate structure incidental to & found in connection with PS to which it is related & on same lot as.	Piers, wharves, boathouses, boat hoists, boat shelters, stairways, walks, lifts, landings, & open fences exempt from setback.	Open fences exempt from setback. Open fence has 50% or more open space. Not a privacy fence.
Sawyer	Detached subordinate structure clearly incidental & customarily found with PS & located on same lot.	Piers, boathouses, boat hoists, & open fences may be w/ setback with certain requirements.	Open chainlink fences setback minimum 40' from OHWM & wetlands adjacent to navigable waters.



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Shawano	Detached subordinate struct. incidental to & found in conjunction w/ principal structure & on same lot as.	On WL, max. 1 AS of max. 600 s.f. & 14' tall per lot.	Open fences (not defined) may require a lesser shoreline setback (if setback averaged). On WL, req. 100' or 150' setback.
Sheboygan	Subordinate struct. on the same lot as PS & devoted to a use incidental to PS.	Playground apparatus, piers, boat hoists, boathouses, patios, open fences & access essential walks & stairs setback exempt.	Open fences (not defined) exempt from shoreline setback.
Taylor	Detached subordinate structure incidental & found in connection with PS & located on same lot as PS.	All bldgs. & structures, exc. piers, boat hoists, boathouses, & open fences shall be setback min. 75' from OHWM.	Open fences (not defined) exempt from shoreline setback.
Trempealeau	Detached subordinate structure incidental to and found in connection with PS to which it is related & located on same lot as.	BR setback exempts piers & boathouses. Others exempts piers, boat hoists, boathouses & open fences.	Open fences (not defined) exempt from shoreline setback.
Vernon	Detached subordinate structure incidental to & found in connection with PS & located on same lot as.	Piers, boathouses, boat hoists & open fences exempt from shoreline setback.	Open fences (not defined) exempt from shoreline setback.
Vilas	A subordinate building (except boathouse) on same lot & incidental to principal structure, i.e. decks, gazebos, sheds, etc.	All new structures, exc. piers, boathouses, boat hoists, fences, stairways and access paths, must be 75' from OHWM.	Permit required. No fences from OHWM to 35'. Max. 3' tall fence from 35'-75' from OHWM. Max. 6' tall beyond 75' of OHWM.
Walworth	Detached structure subordinate to principal use of structure, land or water & on same lot serving a purpose incidental to PS.	All structures, exc. piers, wharves, boat joists, lift, open fence, boathouse, patios, walks and stairs, min. 75' from OHWM.	Resid. fences max. 4' tall permitted on property lines (not btwn.), and not on shoreline. Cannot create wildlife barrier.
Washburn	AS include boathouses, permanent boat shelters, retaining walls, TV satellite dishes >1M in diameter, accessory bldgs, etc.	AS must meet shoreland & sideyard setbacks.	Fences with open construction exempted from shoreline & wetland setbacks.
Washington	Detached subordinate structure incidental to & found in connection with PS & located on same lot as PS.	Piers, boathouses, boat hoists & open fences exempt from shoreline setback.	Open fences (> 50% open) exempt from shoreline setback.
Waukesha	Bldg. subordinate to & detached from PS & used for purpose incident to PS.	All struct., exc. piers, boat hoist, boathouses & decks, setback 75' from OHWM, 100 yr. flood or wetland dist.	Not addressed in county's shoreland zoning ordinance.
Waupaca	A detached subordinate structure incidental to, and found with, the principal structure & on the same lot.	An accessory structure may be placed only if it is constructed concurrent with or after construction of principal structure.	Must meet shoreline setback as a structure (some leniency for "open" fences), with exception of ag pasture fences.
Waushara	Detached structure subordinate to PU of struct. & located on same lot serving a purpose incidental to PS.	Req. PS on site before AS. Req. affidavit & covenant that AS will never be used for human habitation or it is a violation.	Open fence permitted w/i setback, if from perpendicular position does not block >1/3 of view.
Winnebago	Detached struct. subordinate to principal use of struct., land or water & on same lot serving a purpose incidental to PS.	Total floor area limited by lot area. Construct only after PS under construction.	From OHWM to 1/2 the distance to setback, max. 4' tall & 50% or less opaque.
Wood	Detached struct. subordinate to PU of struct., land or water & located on same lot serving incidental purpose to PS.	Min. 75' setback from OHWM. Incl. pet shelters, quarter's not for rent, swimming pools, patios, etc.	Assumed structure & must meet setback requirements.

# ***Accessory Structure Ordinance Language***

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## ***BURNETT COUNTY***

4.4 (1) (e) FENCES: All fences shall meet the shoreland setbacks required in the Lake Class Development Standards. 4.4(7)c.

- (1) Open fences may be allowed to within 40 feet of the ordinary high water mark and may not exceed 6 feet in height.
- (2) Agricultural/livestock fences shall be exempt from the 40' setback.
- (3) An open fence is considered to be chainlink, wood rail or wire and will not obstruct the adjoining property owners view of the water.
- (4) No permit will be required, but must comply with above criteria.

## ***LANGLADE COUNTY***

### **17.06 ACCESSORY AND APPURTENANT STRUCTURES.** (Rep. & Rec. #6-98)

A lot that has a legal principal use housed within a single principal structure shall be entitled to accessory and appurtenant structures, objects and uses as described below:

(1) Landscape vegetation, gardens, flag poles, ornamental light standards, lawn furniture, open play equipment, sidewalks, sundials, bird baths and similar objects and equipment may be located anywhere within a lot, subject only to the limitations that any such object or structure which constitutes a solid view obstruction may not exist above a height of 2 ½', above road elevation, unless the object constitutes cultivated agricultural crops or tree trunks, where they are unbranched to a height of 10' and located a minimum of 30' apart.

(2) Accessory structures, such as sheds, storage buildings, greenhouses, related facilities, pools and associated equipment, garages, well houses, pump houses, parking lots and decks, except as provided in Sec. 17.30 (5) & 17.30 (12), 17.12 (5), 17.15 (4), & 17.12 (6) (c), shall not be located within the front (road) setback, shall not be closer than 10' to the principal structure unless attached thereto or constructed to meet firecodes and shall not be closer than 7.5' to the rear or side lot lines or closer than required ordinary high watermark setbacks as specified in Section 17.30 (12) and must comply with required maximum lot coverage standards.

(3) An accessory structure may be placed on a lot only if it is constructed concurrent with or after construction of a principal structure, however, a garage may be constructed prior to construction of a residence if:

- (a) the lot is zoned for residential use;
- (b) plans for a residence have been submitted to the Land Records and Regulation Department or written documentation has been submitted stating there are no current plans to establish a residence on the property; and
- (c) a valid soil test has been approved for the lot and the tested area is reserved for a future private sewage system.

(4) A garage may be constructed on an outlot as an accessory to a principal structure located on an adjacent lot which is too small to accommodate construction of a garage. Such construction is permissible provided the two lots are in common ownership and are separated only by a roadway.

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**17.19 FENCES.** Parcels which abut lands on which livestock are kept shall be fenced with a fence satisfying the standards of Ch. 90, Wis. Stats. Such fence shall be maintained, repaired or rebuilt as conditions warrant during such time period as the lands adjoining such fences are in farm use or in a use which involves the feeding or grazing of livestock.

## ***POLK COUNTY***

- 12.3 D. Accessory buildings, incidental to the primary use of the property provided that:
- (1) Such buildings shall not be used for human habitation and
  - (2) No more than 2 accessory buildings, including a boathouse shall be permitted on lot or lots under single ownership.

## ***RUSK COUNTY***

5.1 (a) LOTS THAT ABUT NAVIGABLE WATERS. All buildings and structures temporary or permanent including but not limited to satellite dishes and antennas, decks, above-ground fuel tanks, ice shacks, recreational vehicles such as motor homes, campers, trailers, mobile homes and pickups with toppers, and gazebos (except stairways, walkways, and piers which meet the standards in Section 5.3 of this Ordinance, boat hoists, boathouses and open fences which may require a lesser setback) shall be set back at least 75 feet from the ordinary high water mark; Section 10.19 applies.

5.1 (b) Any second or subsequent accessory building shall be set back 150 feet from the ordinary high water mark. Structures under 200 square feet shall not be required to meet this set back.

## ***SAWYER COUNTY***

### **4.49 (6) Fences.** Fences shall meet the following criteria:

- (a) A fences shall be setback a minimum of 75 feet from the ordinary highwater mark of navigable waters and wetlands adjacent to any navigable water. An open chainlink fence shall be setback a minimum of 40 feet from the ordinary highwater mark of navigable waters and wetlands adjacent to any navigable water.
- (b) Maximum height – 6 feet 6 inches.
- (c) Fence shall follow the terrain contour.
- (d) The fence owner is responsible for maintaining both sides of the fence.
- (e) The fence shall be not visually intrusive.

## ***VILAS COUNTY***

### **5.12 Fences:**

#### **(A) Permitting Requirements**

##### **(1) Conditional Use Permit Required.**

- All permanent fences greater than 12.0 feet in height
- All permanent fences greater than 6.0 feet in height AND located less than 15.0 feet from the property line.
- All permanent fences greater than 6.0 feet in height AND located between a building setback line and the property boundary line.

##### **(2) Zoning Permit.**

- All other permanent fences.

#### **(B) Fence Height Limitations**

Fence Height limitations are as follows:

##### **(1) 0 – 35 Feet from Shoreline.**

No fences are permitted between 0 and 35 feet from the shoreline.

##### **(2) 35 – 75 Feet from Shoreline.**

Maximum height of fences between 35 and 75 feet from the shoreline is 3.0 feet.

##### **(3) 75 feet and greater from the Shoreline.**

Fence height is limited to Permitting Requirements as stated in Section 5.12 (A).

#### **(C) Fence Measurements**

Fence height and setback measurements shall be as follows:

##### **(1) Fence Height Measurements.**

All fence heights shall be measured from the ground surface to the top of the fence along the length of the fence.

##### **(2) Setback Measurements.**

Shoreline setback measurements shall be measured from the ordinary high water mark (OHWM) of the shoreline. Side yard setbacks shall be measured from the

property boundary line. For lots abutting roads, setbacks shall be measured and established according to local, county or state regulations.

(D) Temporary Fences

Temporary fences are allowed without obtaining a zoning permit provided they comply with the requirements of 5.12, (C), (1) and 5.12, (C), (2) and meet all setback requirements of permanent fences. All other temporary fences require a zoning permit as a minimum requirement and may require a conditional use permit if the use of the temporary fence is detrimental to or endangers the public health, safety, comfort, or general welfare.

(1) Temporary Fence Height.

Temporary fences are limited to a maximum of 6.0 feet in height.

(2) Removal of Temporary Fences.

Temporary fences shall be removed on an annual basis and shall remain removed compatible with the purpose of the fence.

(3) Determination of Permanent Use vs. Temporary Use.

In cases where the use of the fence has appeared to change from a temporary use to a permanent use, the Zoning Administrator has the responsibility and authority to determine whether the use is temporary or permanent and can:

- require removal of the fence and/or
- require the owner of the property to properly permit the fence provided the fence can meet all requirements to be permitted.

When determining whether a fence is permanent or temporary, the Zoning Administrator and/or his assistants or deputies shall document the fence, location and circumstances surrounding the fence and provide a basis as to how the determination was made.

## *Accessory Structures Resources*

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### *EDUCATIONAL MATERIALS*

**Limiting Impact of Recreation on Water Quality: Shoreland Best Management Practices.** (4 pp., March 1996). Fact sheet describes Best Management Practices (BMPs) that can be used on shoreland properties to protect and preserve surface water quality as well as preserve the natural characteristics of a property. Available from Minnesota Extension Service at 109 Washburn Hall, 2305 East 5<sup>th</sup> Street, Duluth, MN, 55812-7512 or phoning (218) 726-7512.